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2	United States Attorney District of Nevada				
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7	Attorney for Plaintiff				
8	LIMITED CTATEC DICTRICT COLIDT				
9	DISTRICT OF NEVADA				
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11	***				
12	UNITED STATES OF AMERICA,) 2:16-cr-106-JCM-PAL				
13)				
14	Plaintiff,)				
15	v.)				
16	MARK KENDALL,				
17					
18	Defendant.)				
19	STIPULATION FOR EXTENSION OF TIME				
20	IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogder				
21	United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for				
22	the United States of America, and Heidi A. Ojeda, Assistant Federal Public Defender, counse				
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25					
26	1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the				
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Court's Order, the Government's response deadline is August 15, 2016.

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1	2. The parties are presently attempting to resolve this matter with a plea agreement				
2	which would obviate the need for the Court to consider the Defendant's Motion.				
3	3. The Defendant is incarcerated, but he does not object to the continuance of the				
4	Government's response deadline.				
5	4. The trial in this matter is presently set for November 14, 2016. Consequently, the				
6	requested extension of the Government's response deadline is not likely to affect the present trial				
7	setting.				
8	5. The additional time requested herein is not sought for purposes of delay, but				
9	merely to allow the parties an attempt to resolve this matter with a plea agreement.				
10	6. Additionally, denial of this request for continuance could result in a miscarriage				
11	of justice and would result in an unnecessary expense of the Court's resources.				
12	7. This is the second stipulation filed herein to continue the Government's respons				
13	deadline.				
14	DATED: August 12, 2016.				
15	la!	/o/			
16	PHILLIP N. SMITH, JR.	HEIDI A. OJEDA			
17	Assistant United States Attorney Counsel for the United States	Assistant Federal Public Defender Counsel for Defendant MARK KENDALL			
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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:16-cr-106-JCM-PAL
Plaintiff,)	
)	
V.)	
MARK KENDALL,)	
Defendant.)	
)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

- 1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the Court's Order, the Government's response deadline is August 15, 2016.
- 2. The parties are presently attempting to resolve this matter with a plea agreement, which would obviate the need for the Court to consider the Defendant's Motion.
- 3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.
- 4. The trial in this matter is presently set for November 14, 2016. Consequently, the requested extension of the Government's response deadline is not likely to affect the present trial setting.
- 5. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties an attempt to resolve this matter with a plea agreement.
- Additionally, denial of this request for continuance could result in a miscarriage of justice and would result in an unnecessary expense of the Court's resources.

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7. This is the second stipulation filed herein to continue the Government's response deadline. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline. **CONCLUSIONS OF LAW** The additional time requested herein is not sought for purposes of delay, but merely to allow the parties an opportunity to resolve this matter via a plea agreement. The failure to grant said continuance would likely result in a miscarriage of justice and an unnecessary expense of the Court's resources. **ORDER** IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Suppress is extended until August 31 , 2016. Dated: 8/17/2016